IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO. 843 OF 2007

WITH

CIVIL APPLICATION NO. 1168 OF 2007

Oza Dal & Besan Mill ... Appellant
(Org.Defendant)

Versus

Parakh Agro Industries Ltd. .. Resondents
(Org. Plaintiff)

Mr. Rahul Citnis with Mr.M.S.Karnik,Advocates
for the appellant.
Dr.V.V.Tulzapurkar, Senior Advocate, with Mr. Sahil
Shah & Ramesh Gajria i/b. M/s. Gajria & Co., Advocates
for the respondents.

CORAM: J.H.BHATIA,J.

DATE : 22nd November, 2007

P.C.

1. After arguments at some length, the learned Counsel for the appellant/defendant concedes that on some vital issues there are no pleadings in the written statement and the appellant would like to make amendment

in the written statement. He seeks to withdraw the Appeal with liberty to make appropriate amendment in the written statement and makes a request that after the amendment is carried out, the learned trial Court may expedite the trial and dispose of the matter at the earliest.

2. In view of the above, the Appeal stands disposed of as withdrawn with liberty to make appropriate amendment in the written statement within two weeks from this date. In case the defendant makes any amendment, the plaintiff will get an opportunity to make appropriate amendment or file rejoinder within further two weeks.

3. The learned trial Court shall expedite the hearing and dispose of the matter, as far as possible, within six months after the amendment is made.

4. As the Appeal itself is withdrawn, the Civil Application No.1168 of 2007 does not survive and stands disposed of accordingly.

(J.H.BHATIA,J.)